

THE EFFECTIVE DATE OF THIS ORDINANCE IS APRIL 20, 2004

ORDINANCE NO. 04-04-348

Re: An Ordinance Adopting and Enacting the Frederick County Code, 2004; Providing for the Repeal of Certain Ordinances not Included Therein, Except as Herein Expressly Provided; Providing for the Manner of Amending Such Code of Ordinances; Providing a Penalty for the Violation Thereof; and Providing When This Ordinance Shall Become Effective

RECITALS

WHEREAS, by Ordinance No. 80-8-160, the Frederick County Code, 1979, was adopted and enacted, and

WHEREAS, there have been numerous amendments to the Frederick County Code since that time, and

WHEREAS, the Board of County Commissioners of Frederick County, Maryland, believes that recodification of the 1979 Code is warranted to bring the Code up to date.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND:

Section 1. That the Code of Ordinances, consisting of Chapter 1-1 to 1-24 each inclusive, is hereby adopted and enacted as the "Frederick County Code, 2004" and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances of the County passed on or before June 17, 2003, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after the 20th day of April, 2004, and all ordinances of a general and permanent nature of Frederick County, Maryland, enacted on final passage on or before June 17, 2003, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the 20th day of April, 2004, except as hereinafter provided.

Section 3. That the repeal provided for in Section 2 hereof shall not affect the following:

- (a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;

- (b) Any ordinance promising or guaranteeing the payment of money for the County, or authorizing the issuance of any bonds of the County, or any evidence of the County's indebtedness, or any contract or obligation assumed by the County;
- (c) The administrative ordinances of the County, not in conflict or inconsistent with the provisions of such Code;
- (d) Any ordinance fixing salaries of officers or employees of the County;
- (e) Any appropriation ordinance;
- (f) Any right or franchise granted by the Board of County Commissioners of the County to any person, firm or corporation;
- (g) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the County;
- (h) Any ordinance establishing and prescribing the street grades of any street in the County;
- (i) Any ordinance zoning or rezoning property;
- (j) Any resolution not embodied in such Code;
- (k) Any ordinance enacted after June 17, 2003;

nor shall such repeal be construed to revive any ordinance or part of an ordinance which is repealed by this ordinance.

Section 4. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of County Commissioners to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Frederick County Code, 2004" shall be understood and intended to include such additions and amendments.

Section 5. That a copy of such Code shall be kept on file in the office of the Board of County Commissioners, preserved in looseleaf form or in such other form as the Board of County Commissioners may consider most expedient. It shall be the express duty of the Administrative Officer to the Board of County Commissioners, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of County Commissioners to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time maybe repealed by the Board of County Commissioners. This copy of such Code shall be available for all persons desiring to examine the same.

Section 6. That all ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict hereby repealed.

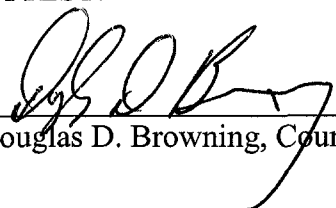
Section 7. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the County or in any rule, regulation or order promulgated by any officer or agency of the County under authority duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the County or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months or by both such fine and imprisonment.

Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the County or such rule, regulation or order shall continue shall constitute a separate offense.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the 20th day of April, 2004.

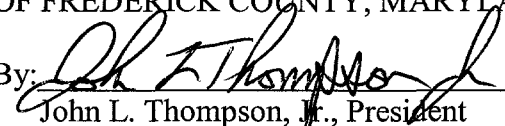
The undersigned hereby certifies that the foregoing Ordinance was approved and adopted on the 20th day of April, 2004.

ATTEST:



Douglas D. Browning, County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: 

John L. Thompson, Jr., President

LBT